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Rules, Regulations, Orders

TITLE 7—AGRICULTURE CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Wheat 42-4]

PART 728—WHEAT

SUBPART D—1942

Proclamation Pertaining to a National Marketing Quota for Wheat for the Marketing Year 1942-43

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 335. (a) Whenever it shall appear that the total supply of wheat as of the beginning of any marketing year will exceed a normal year's domestic consumption and exports by more than 35 per centum, the Secretary [of Agriculture] shall, not later than the May 15 prior to the beginning of such marketing year, proclaim such fact and, during the marketing year beginning July 1 and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of wheat. . . . Marketing quotas for any marketing year shall be in effect with respect to wheat harvested in the calendar year in which such marketing year begins notwithstanding that the wheat is marketed prior to the beginning of such marketing year. . . .

Whereas said act contains, in section 301 (b), the following definitions of terms here pertinent:

"Carry-over" of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under Title V.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Wheat, July 1-June 30.

"Normal year's domestic consumption", in the case of . . . wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed [consumed] in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of . . . wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years . . . immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"Total supply" of . . . wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins; and

Whereas said act provides, in section 301 (c), that:

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of the authority vested in the Secretary of Agriculture by, the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under section 335 (a) of said Act that:

§ 728.305 *National marketing quota for wheat for the 1942-43 marketing year.*

(a) The total supply of wheat for the marketing year beginning July 1, 1942 is 1,300 million bushels.

(b) A normal year's domestic consumption and exports of wheat is 739 million bushels.

(c) The total supply of wheat for the marketing year beginning July 1, 1942, will exceed a normal year's domestic consumption and exports by more than 35 per centum.

(d) A national marketing quota shall be in effect with respect to the marketing of wheat during the marketing year beginning July 1, 1942, and continuing throughout such marketing year. The marketing quota shall be in effect with respect to wheat harvested in the calendar year 1942 notwithstanding that the wheat is marketed prior to July 1, 1942. (Sec. 335 (a), 301 (c), 52 Stat. 54, 43; 7 U.S.C., Supp. 1335, 1301)

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Agricultural Adjustment Administration:	Page
Wheat, national marketing quota, 1942-43.....	3691
TITLE 10—ARMY: WAR DEPARTMENT:	
Claims and Accounts:	
Payment of bills and accounts, adjustments, amendment..	3692
TITLE 14—CIVIL AVIATION:	
Civil Aeronautics Authority:	
Classification and exemption of Alaskan air carriers....	3692
TITLE 26—INTERNAL REVENUE:	
Bureau of Internal Revenue:	
Miscellaneous excise taxes, traffic in containers of distilled spirits	3693
Social Security and employment taxes, family employment, amendments..	3693
TITLE 36—PARKS AND FORESTS:	
National Park Service:	
Guide fees, etc., amendments.....	3693
TITLE 49—TRANSPORTATION AND RAILROADS:	
Interstate Commerce Commission:	
Pipe lines, uniform system of accounts modified.....	3694
Steam roads, classification of certain accounts.....	3694
TITLE 50—WILDLIFE:	
Fish and Wildlife Service:	
Chignik Area Fisheries, Alaska, salmon fishing, amendment	3694

NOTICES

Department of Agriculture:	
Farm Security Administration:	
Georgia, designation of counties for tenant purchase loans.....	3701
Surplus Marketing Administration:	
Irish potatoes, proposed marketing agreement and order for handling in various states, hearing.....	3701

(Continued on next page)



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CONTENTS—Continued

Department of Commerce:	
Civil Aeronautics Authority:	
Hearings:	Page
Ackerman Air Service, et al.	3701
Aircraft Charter Service, Inc.	3702
Barr Air Transport, et al.	3701
Cordova Air Service, Inc.	3701
Heard, Robert R.	3701
Department of the Interior:	
Bituminous Coal Division:	
Applications for registration as distributors	3700
District Board No. 14 (Harper and Thornton Coal Co.), order consolidating dockets, etc.	3700
Hearings, etc.:	
Boyd Sicard Coal Co.	3697
District Board No. 7	3697
District Board No. 8	3698
District Board No. 10	3698
Peerless Coal Co.	3696
Stremel, Joseph F.	3699
Wallace Coal Co.	3699
Department of Labor:	
Wage and Hour Division:	
Shoe industry, etc., industry committee resignation and appointment	3702
Federal Power Commission:	
Pacific Gas and Electric Co., hearing	3702
Interstate Commerce Commission:	
Broker's surety bonds (2 documents)	3703
Motor carrier insurance policies (2 documents)	3702
Motor carrier surety bonds (2 documents)	3702
Securities and Exchange Commission:	
Central States Power & Light Corp., declaration permitted to become effective	3704

CONTENTS—Continued

Securities and Exchange Commission—Continued.	Page
Engineers Public Service Co., et al., order requiring divestiture of securities	3703
New England Gas and Electric Assn., et al., notice regarding filing	3703
Selective Service System:	
Alaska, transportation of registrants	3704
War Department:	
Contract summaries:	
Electric Vacuum Cleaner Co., Inc.	3694
Mason, Silas, Co.	3694
Smith, A. O., Corp.	3696

Done at Washington, D. C., this 24th day of July, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-5337; Filed, July 24, 1941; 11:32 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 35—PAYMENT OF BILLS AND ACCOUNTS¹

§ 35.8 Adjustments.

(f) Delay in performance. * * *

(2) When damages provided for in contract—(i) Deductions for damages. Whenever, under a standard Government form of contract containing a provision for liquidated damages, the contractor fails for any reason to execute completely the contract within the period stipulated in the original contract or valid agreements supplemental thereto, or change orders, such period to include any extensions in the time for completion made in accordance with the provisions of the contract, the disbursing officer when making payment thereunder should withhold the liquidated damages covering the entire period of delay regardless of cause and claim credit for the net amount only, leaving in the appropriation the amount so withheld, subject to final adjustment by the General Accounting Office. Amounts withheld on account of liquidated damages will not again become available for obligation or for payment by disbursing officers. Any protest made by the contractor against the deduction of liquidated damages should be forwarded, together with a statement of all payments made, citations to all vouchers, and a detailed statement from the contracting officer, through the Chief of Finance to

¹ § 35.8 (f) (2) (i) is amended.

the General Accounting Office. See 16 Comp. Gen. 374; and § 81.19. (R.S. 161; 5 U.S.C. 22) [Par. 6f (2) (a), AR 35-6040, March 15, 1939, as amended by Cir. 140, W.D., July 14, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-5318; Filed, July 24, 1941; 9:46 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

PART 292—EXEMPTIONS AND CLASSIFICATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of July 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 416 thereof, and in consonance with certain conclusions set forth in its opinion concurrently herewith, in Alaskan Air Transportation Investigation, Docket No. 71-401-E-1, et al., and finding that the nature of the services performed by air carriers operating within the Territory of Alaska require the establishment of a separate classification of such carriers; that such classification is just and reasonable; that the present enforcement of Title IV of said Act would be an undue burden on said carriers by reason of the limited extent of and the unusual circumstances affecting the operations of said air carriers; and finding further that its action is desirable in the public interest and is necessary and appropriate to carry out the provisions thereof, and to exercise and perform its duties under said Act, the Civil Aeronautics Board hereby makes and promulgates the following regulation:

§ 292.2 Classification and exemption of Alaskan air carriers—(a) Classification of Alaskan air carriers. There is hereby established, within the meaning of section 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which engage solely in air transportation within the Territory of Alaska, said classification to be designated as "Alaskan Air Carriers."

(b) Termination of existing exemption of Alaskan air carriers. On and after the effective date of this section, § 292.1¹ of the economic regulations (formerly designated as Regulation 400-1) temporarily exempting non-scheduled operations from certain provisions of Title IV of the Civil Aeronautics Act of 1938, shall not be applicable to operations to, from, and within the Territory of Alaska.

(c) Temporary exemption of Alaskan air carriers. Until the Board shall adopt

¹ 3 F.R. 2886.

further rules, regulations or orders, any Alaskan air carrier that has filed with the Board on or before the date of this order an application for a certificate of public convenience and necessity shall be exempt from the provisions of Title IV of the Civil Aeronautics Act of 1938, except subsection (1) of section 401 in respect of air transportation wholly within the Territory of Alaska.

This section shall become effective twenty days after the date hereof.
By the Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5306; Filed, July 24, 1941;
9:42 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5063]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS¹

JULY 22, 1941.

Pursuant to section 2871 of the Internal Revenue Code, Regulations 13 are amended in these respects:

(1) Section 175.3 *Definitions*, is amended by substituting in paragraphs (m) and (n) thereof the words "in effect as of July 1, 1941" for the words "in effect as of July 1, 1938," wherever such words appear in said paragraphs.

(2) Paragraph (c) of § 175.9 is amended, effective sixty days after the date of filing hereof with the Division of the Federal Register, to read as follows:

§ 175.9 *Labels*.

(c) Name and address of the bottler, except that in the case of distilled spirits bottled for the actual distiller or rectifier thereof, the name and address of such distiller or rectifier may be stated in lieu of the name and address of the bottler. In addition, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits, there may be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by" or other similar statement.

(3) Section 175.9 is further amended by adding thereto a new paragraph as follows:

(g) If brandy, aged for a period of less than two years, the age thereof.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5342; Filed, July 24, 1941;
11:44 a. m.]

¹ 5 F.R. 1245.

[T. D. 5062]

PART 400—EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT¹

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT²

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT³

Article 206 (4) of Regulations 90 [§ 400.206 (4), Title 26, Code of Federal Regulations], that article of such regulations as made applicable to the Internal Revenue Code (53 Stat., Part 1; 26 U.S.C., Sup. V) by Treasury Decision 4885 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], § 402.211 of Regulations 106 [Part 402, of such Title 26, 1940 Sup.], and § 403.212 of Regulations 107 [Part 403, of such Title 26, 1940 Sup.], are amended by striking out the last sentence in each of such articles and sections, and by substituting in lieu thereof the following new paragraph:

Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the partners comprising the partnership.

(This Treasury Decision is issued under the authority contained in sections 907 (c) (4) and 908 of the Social Security Act (49 Stat. 643; 42 U.S.C., Sup. V, 1107 (c) (4), 1108), sections 1429, 1609, and 3791 of the Internal Revenue Code (53 Stat. 178, 188, 467; 26 U.S.C., Sup. V, 1429, 1609, 3791), section 1607 (c) (4) of the Internal Revenue Code in effect prior to January 1, 1940 (53 Stat. 187; 26 U.S.C., Sup. V, 1607, note), and sections 1426 (b) (4) and 1607 (c) (5) of the Internal Revenue Code as amended by sections 606 and 614 of the Social Security Act Amendments of 1939 (53 Stat. 1383, 1392; 26 U.S.C., Sup. V, 1426 (b) (4), 1607 (c) (5).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: JULY 22, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-5341; Filed, July 24, 1941;
11:44 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 2—GENERAL RULES AND REGULATIONS

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. of the Interior on March 19, 1941 (6 F.R. 535, 16 U.S.C. 3), the General Rules and Regulations approved by the Secretary 1626), as amended, are hereby further amended as follows:

¹ 1 F.R. 2.
² 5 F.R. 773.
³ 5 F.R. 3704.

Paragraphs (c), (d), (e), (g), and (i) of § 2.55 are amended so as to read as follows:

§ 2.55 *Fees*.

(c) *Guide fees for Lehman Caves*. In Lehman Caves National Monument, no person or persons shall be permitted to enter the caves unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of forty cents shall be charged each person entering the caves: *Provided*, That in proper cases and upon application made in advance, the Director may authorize admission without charge for guide service to persons from reputable educational institutions for the purpose of prosecuting class work or studies, or to persons under the support and care of charitable institutions and their attendants. No charge shall be made for children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct while in the caves.

(d) *Guide fees for Crystal Cave*. In Sequoia National Park, no person or persons shall be permitted to enter Crystal Cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of forty cents shall be charged each person entering the cave, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct.

(e) *Guide fees for Jewel Cave*. In Jewel Cave National Monument, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which a fee of fifty cents shall be charged each person entering the cave, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct.

(g) *Guide fees; miscellaneous*. A guide fee shall be charged each person taking a guided trip through the following areas, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Yearly fee	Trip fee
Aztec Ruins National Monument	\$0.50	\$0.25
Casa Grande National Monument	.50	.25
Chaco Canyon National Monument	.50	.25
El Morro National Monument	.50	.25
Montezuma Castle National Monument	.50	.25
Tumacacori National Monument	.50	.25

(1) *Admission fees.* (1) An admission fee shall be charged each person entering the following areas, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Fort Marion National Monument.....	\$0.10
Fort Pulaski National Monument.....	.10
George Washington Birthplace National Monument.....	.10
Fort Raleigh National Historic Site.....	.10
Vanderbilt Mansion National Historic Site.....	.50

(2) An admission fee shall be charged each person entering the following places, except children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct:

	Fee
Fort McHenry National Monument and Historic Shrine—Inner Fort.....	\$0.10
Colonial National Historical Park:	
Moore House.....	.10
Yorktown Historical Museum.....	.10
Morristown National Historical Park—Ford Museum and Mansion.....	.10
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park—Museum.....	.10
Chickamauga and Chattanooga National Military Park—Point Park.....	.10
Vicksburg National Military Park—Museum.....	.10
Salem Maritime National Historic Site—Derby House.....	.25
Lincoln Museum.....	.10
House Where Lincoln Died.....	.10
Lee Mansion in Arlington National Cemetery.....	.10

Paragraph (m) of § 2.55 is revoked.

Approved: July 16, 1941.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-5312; Filed, July 24, 1941;
9:44 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

CLASSIFICATION OF CERTAIN ACCOUNTS FOR STEAM ROADS

An order of the Interstate Commerce Commission modifying the classification of Investment in Road and Equipment, Income, Profit and Loss, and General Balance Sheet Accounts, and Operating Revenues and Operating Expenses for steam roads, effective January 1, 1942, was filed with the Division of the Federal Register, July 24, 1941, at 11:31 a. m., F. R. Doc. No. 41-5334. Requests for copies should be addressed to the Interstate Commerce Commission.

UNIFORM SYSTEM OF ACCOUNTS FOR PIPE LINES

An order of the Interstate Commerce Commission modifying the Uniform Sys-

tem of Accounts for Pipe Lines, effective January 1, 1942, was filed with the Division of the Federal Register, July 24, 1941, at 11:31 a. m., F. R. Doc. No. 41-5335. Requests for copies should be addressed to the Interstate Commerce Commission.

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

SUBCHAPTER Q—ALASKA COMMERCIAL FISHERIES

PART 207—CHIGNIK AREA FISHERIES

A new section, to be known as § 207.12a, is hereby inserted following § 207.12,¹ to read as follows:

§ 207.12a *Weekly closed periods, salmon fishing.* The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian Wednesday to 6 o'clock postmeridian Thursday of each week, making a weekly closed period of 60 hours. (Sec. 1, 44 Stat. 752; 48 USC 221.)

HAROLD L. ICKES,
Secretary of the Interior.

JULY 17, 1941.

[F. R. Doc. 41-5313; Filed, July 24, 1941;
9:45 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 303 ord-949]

SUMMARY OF CONTRACT FOR SUPPLIES¹

CONTRACTOR: ELECTRIC VACUUM CLEANER COMPANY, INC.

Contract for fuze: * * * (Sets of Metal Parts).

Amount: \$1,438,500.00.

Place: Cleveland Ordnance District, 1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authority ORD 9549 P II-02 A 1005-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 9th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Fuze, * * * (Sets of Metal Parts) for the consideration stated one million four hundred thirty eight thousand five hundred dollars and no cents, (\$1,438,500.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

¹ 6 F. R. 1240.

² Approved by The Chief of Ordnance June 30, 1941.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article I, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * *, and at the unit price specified in Article I, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Price adjustments. The contract prices stated in Article I are subject to adjustments for changes in labor and material costs.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5315; Filed, July 24, 1941;
9:45 a. m.]

[Contract No. W-ORD-517]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT¹

CONTRACTOR: SILAS MASON COMPANY,
NEW YORK, N. Y.

Contract for: Architect-engineer services, construction of a new ordnance facility and installation of equipment therein, procuring production equipment, and options for training key personnel for and operating a new ordnance facility for the loading of fixed rounds, shells, bombs, fuzes and boosters.

Place: At or near Minden, La.

Estimated cost of designing, engineering and constructing under Title I: \$15,776,944.

¹ Approved by the Under Secretary of War July 10, 1941.

Fixed-fee for designing, engineering and constructing under Title I: \$421,764.

Estimated cost of procuring equipment under Title II: \$3,138,200.

Fixed-fee for procuring equipment under Title II: \$20,000.

Estimated cost of training key personnel under Title III (Optional): \$150,000.

Fixed-fee for training key personnel under Title III: \$1.00.

Estimated cost of operation under Title IV (optional): \$25,100,000.

Fixed-fee for operation under Title IV: \$420,000.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 9762 P99 A0141-02

ORD 9763 P99 A0141-02

ORD 50,179 P510-31 A0025-13

ORD 50,180 P531-32 A0025-13

This contract, entered into this 3rd day of July 1941.

TITLE I—Design, Engineering and Construction

ARTICLE I-A. *Description of new ordnance facility.* The new ordnance facility, hereinafter referred to as the "Plant," and designated as Louisiana Ordnance Plant, shall comprise a plant at or near Minden, La., upon a site to be furnished and made available by the Government, for the loading of fixed rounds, shells, bombs, boosters and fuzes (hereinafter sometimes referred to as "Ammunition") having an estimated daily capacity based on a * * * hour day.

ART. I-B. *Statement of work.* The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

a. The construction of and the installation of equipment in the Plant described in Article I-A hereof, in accordance with the approved plans and specifications provided hereinafter.

b. The furnishing of all architectural and engineering services covering the design, preparation of drawings, plans and specifications, and field engineering and supervision necessary for the efficient execution and coordination of the construction and installation of equipment of said Plant as provided for hereunder.

ART. I-C. *Estimates.* It is estimated that the total cost of the work under this Title I will be approximately fifteen million seven hundred seventy-six thousand nine hundred forty-four dollars (\$15,776,944.00), excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Title V.

b. Rental for Contractor's equipment as provided in Title V.

c. A fixed-fee in the amount of four hundred twenty-one thousand seven hundred sixty-four dollars (\$421,764.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment.

TITLE II—Procurement of Production Equipment

ART. II-A. *Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II-B. *Estimates.* It is estimated that the total cost under this Title II will be approximately three million one hundred thirty-eight thousand two hundred dollars (\$3,138,200.00), exclusive of the Contractor's fee.

ART. II-C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of twenty thousand dollars (\$20,000.00) which shall constitute complete compensation for the Contractor's services.

TITLE III—Training of Key Personnel (Optional)

ART. III-A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV-A of Title IV.

ART. III-B. *Estimate.* It is estimated that the cost of the work under this

Title III will be approximately one hundred fifty thousand dollars (\$150,000.00), exclusive of the Contractor's fee.

ART. III-C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar (\$1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—Operation of Plant (Optional)

ART. IV-A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in Section 1 of Article III-A of Title III hereof. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall proceed to operate it as directed from time to time by the Contracting Officer, irrespective of whether or not the construction and equipping of the Plant as a whole shall have been completed.

4. Upon written notice to the Contractor the Government may, at its option, authorize the continued operation of the Plant for an additional period of * * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant.

ART. IV-B. *Estimates.* It is estimated that the cost of the work under this Title IV will be twenty-five million one hundred thousand dollars (\$25,100,000.00), exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV-A hereof, and exclusive of the Contractor's fee.

ART. IV-C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for operation provided in Section 3 of Article IV-A hereof, as follows: Four hundred twenty thousand dollars (\$420,000.00) for * * * months operation, which fee shall con-

stitute complete compensation (except for continued operation) for Contractor's services, including profit.

ART. V-B. Payments—Reimbursement for cost. 1. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V-A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the original receipted invoices for materials, equipment, etc., or other original papers satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for contractor's equipment.* Rental as provided in Section 2 of Article V-A of this Title V, for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fees. 3. a. The fixed-fee provided for in Article I-D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

b. The fixed-fee provided for in Article II-C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

c. The fixed-fee of one dollar (\$1.00) provided for in Article III-C shall be paid upon the completion of the work provided therein.

d. The fixed-fee of four hundred twenty thousand dollars (\$420,000.00) provided for in Section 2 of Article IV-C of Title IV shall be paid in twelve (12) partial payments of thirty-five thousand dollars (\$35,000.00) each, less 10% of each such partial payment.

Final payment. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V-C. Advances. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—Termination

ART. VI-A. Termination by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—General

ART. VII-C. Changes. The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII-D. Title. The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws:

The Act of July 2, 1940 (Public, No. 703, 76th Congress), the Act of March 11, 1941 (Public, No. 11, 77th Congress), and the Act of June 30, 1941 (Public, No. 139, 77th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5316; Filed, July 24, 1941;
9:46 a. m.]

[Contract No. W-271-ORD-549]

SUMMARY OF CONTRACT FOR SUPPLIES¹

CONTRACTOR: A. O. SMITH CORPORATION

Contract for: * * * Bodies for Bomb, Demolition, * * *
Amount: \$3,224,000.00.

Place: Chicago Ordnance District Office 38 South Dearborn Street, Chicago, Illinois.

The * * * Bodies for Bomb, Demolition, * * * to be obtained under this Contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority, O. S. & S. A. ORD 9212 PII-02 A 1005-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 16th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Bodies for Bomb, Demolition, * * * for the consideration stated of three million two hundred twenty-four thousand (\$3,224,000.00) dollars in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and

¹ Approved by the Chief of Ordnance June 28, 1941.

specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article I, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * and at the Unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-5317; Filed, July 24, 1941;
9:46 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1762-FD]

NOTICE OF AND ORDER FOR HEARING
IN THE MATTER OF PEERLESS COAL
COMPANY, DEFENDANT

A complaint dated May 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 14, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint to be held on October 3, 1941, at 10 a. m. at a hearing room of the Bi-

bituminous Coal Division at Room 303, Post Office Building, Fort Smith, Arkansas.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(1) That the defendant from October 1, 1940, to May 24, 1941, sold, delivered and offered for sale to various persons a

substantial quantity of prepared coal, produced at its Keener-Excelsior Mine (Mine Index No. 176), located in District No. 14, at the price of \$4.15 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was \$4.25 per net ton, as shown by the Schedule of Effective Minimum Prices for District No. 14 For All Shipments Except Truck.

(2) That the defendant commenced operations at the said Keener-Excelsior Mine without notifying the Division as required by the provisions of the Division's Order No. 288, dated December 8, 1939.

Dated: July 22, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5319; Filed, July 24, 1941;
10:07 a. m.]

[Docket No. 1743-FD]

IN THE MATTER OF BOYD SICARD COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 14, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Post Office Building, Fort Smith, Arkansas.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under

§ 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant on or about February 5, 1941, in violation of Rule 1 of section XIII of the Marketing Rules and Regulations consigned unordered 10" Lump coal produced at its Boyd No. 3 mine, (Mine Index No. 14) Sebastian County, Arkansas, located in District No. 14, and forwarded such coal which had not actually been sold as follows:

1. One (1) Railroad carlot of approximately 50 tons to Louis Cinek, South Omaha, Nebraska, and

2. One (1) Railroad carlot of approximately 50 tons to the Chicago Lumber Company, Omaha, Nebraska.

Dated: July 22, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc 41-5320; Filed, July 24, 1941;
10:07 a. m.]

[Docket No. A-767]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 211 OF VERA POCAHONTAS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 22, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 18, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 7 for revision of the effective price classifications and minimum prices established for certain coals of Mine Index No. 211 of Vera Pocahontas Coal Company, a code member in District No. 7, and, more particularly, to revise Price Classification "B," to "C" in Size Groups 1 and 2 and Price Classification "A" to "B" in Size Group 3.

Dated: July 22, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5321; Filed, July 24, 1941;
10:07 a. m.]

[Docket No. A-934]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ESTABLISHMENT OF A PRICE EXCEPTION IN THE SCHEDULE OF MINIMUM PRICES FOR DISTRICT NO. 10 FOR TRUCK SHIPMENTS TO MARKET AREA NO. 35 FROM MINE INDEX NOS. 118, 119, 120, AND 121, TO PERMIT THE SALE OF REFUSE FROM LUMP PICKING TABLES

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 27, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petition of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Bituminous Coal Producers Board for District No. 10 for the establishment of a price exception on page three of the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, to read as follows:

At Mine Index Nos. 118, 119, 120, and 121:

(a) The reclaimed coal sorted out of the refuse from the lump picking tables may be sold at a price of not less than \$1.10 per ton, provided the buyer performs the labor of reclaiming the coal.

(b) The refuse from the lump picking tables may be sold as is, without sorting, at a price of not less than 60 cents per ton.

(c) These prices are for delivery only in the following portion of Market Area No. 35:

The territory included in Jefferson County south of a line running east and west through Ina, and including the town of Ina.

All of Franklin County.

The territory in Williamson County north of a line running east and west through Barlow, including the village of Barlow.

Dated: July 22, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5322; Filed, July 24, 1941;
10:07 a. m.]

[Docket No. A-932]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER OF CHANGE IN CLASSIFICATION OF COALS PRODUCED IN DISTRICT 8 BY E. H. HORNE (VIRGINIA RED ASH COAL COMPANY) AND REX BANDY (BANDY MINE) FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 21, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require

the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought.

Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 16, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Bituminous Coal Producers Board for District No. 8 for reductions in the effective minimum prices for the coals produced by E. H. Horne (Virginia Red Ash Coal Company) Mine Index No. 2708 and Rex Bandy (Bandy Mine) Mine Index No. 2448, for truck shipments, as follows:

		Size group							
		1	2	3	4	5	6	7	8
E. H. HORNE (VIRGINIA RED ASH COAL CO.)									
From.....	\$3.05	\$3.05	\$3.00	\$2.40	\$2.60	\$2.15	\$1.55		\$1.50
To.....	2.65	2.45	2.20	2.20	2.15	2.10	1.55		1.50
REX BANDY									
From.....	3.05	3.05	3.00	2.50	2.80	2.15	1.55		1.50
To.....	2.65	2.45	2.20	2.20	2.15	2.10	1.55		1.50

Dated: July 22, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5323; Filed July 24, 1941;
10:08 a. m.]

[Docket Nos. 1597-FD, 1678-FD]

IN THE MATTER OF WALLACE COAL COMPANY, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above-entitled matters having been heretofore scheduled for 10 a. m. on July 28, 1941, at the County Court House, Marion, Illinois; and

An order having been entered, dated July 10, 1941, revoking and cancelling the code membership of the defendant, pursuant to the stipulation of the defendant, dated July 7, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matters be and the same is hereby cancelled.

Dated: July 22, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5324; Filed July 24, 1941;
10:08 a. m.]

No. 144—2

[Docket No. A-745]

PETITION OF JOSEPH F. STREMEL, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUP NO. 13 OF MINE INDEX NO. 442 IN THAT DISTRICT, FOR LOCOMOTIVE FUEL USE

[Docket No. A-959]

PETITION OF JOSEPH F. STREMEL, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 442 IN THAT DISTRICT

ORDER CONSOLIDATING DOCKETS NOS. A-745 AND A-959 AND NOTICE OF AND ORDER FOR HEARING

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, were duly filed with this Division by Joseph F. Stremel, a code member in District No. 17, requesting modification of the effective minimum prices for certain coals produced at Mine Index No. 442, for all shipments, in that district.

The petitioner, in Docket No. A-745, requests modification of the effective minimum prices for those coals for locomotive fuel use. On July 15, 1941, it was ordered that the hearing in that docket, theretofore continued indefinitely, reconvene at 10 o'clock in the forenoon of August 11, 1941, at a hearing room of the Bituminous Coal Division, in the Grand Jury Room, Post Office Building, Denver, Colorado.

gust 11, 1941, at a hearing room of the Bituminous Coal Division, in the Grand Jury Room, Post Office Building, Denver, Colorado.

The petitioner, in Docket No. A-959, requests modification of the effective minimum prices for the coals in all size groups, including those for locomotive fuel use, for all shipments, produced at Mine Index No. 442 in District No. 17.

It appearing that the issues presented in the above-designated dockets are analogous,

Now, therefore, it is ordered, That Docket No. A-745 and Docket No. A-959 be, and they hereby are, consolidated for the purpose of hearing and for such other purposes as the officer designated to preside at the hearing may deem advisable.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on August 11, 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, in the Grand Jury Room, Post Office Building, Denver, Colorado.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 6, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto,

which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to:

Docket No. A-745, the petition of Joseph F. Stremel, a code member in District No. 17, for a reduction to \$1.25 per net ton in the effective minimum price for the coals in Size Group 13, produced at Mine Index No. 442 in that district, for locomotive fuel use; and

Docket No. A-959, the petition of Joseph F. Stremel, a code member in District No. 17, for a reduction of 25¢ per net ton in the effective minimum prices for the coals in all size groups, for all shipments, including coals for locomotive fuel use, produced at Mine Index No. 442 in that district.

Dated: July 22, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5325; Filed, July 24, 1941;
10:08 a. m.]

[Docket No. A-137 Part III]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR CERTAIN COALS OF HARPER AND THORNTON COAL CO., MINE INDEX NO. 195, IN DISTRICT NO. 14, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-760]

PETITION OF HARPER AND THORNTON COAL CO., A CODE MEMBER IN DISTRICT NO. 14, FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 195 IN DISTRICT NO. 14, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-895]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS AND FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN OTHER COALS PRODUCED IN SUBDISTRICT 5 OF DISTRICT NO. 14, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-895 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF HARPER AND THORNTON COAL CO., MINE INDEX NO. 195 IN DISTRICT NO. 14, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER SEVERING AND DESIGNATING AS DOCKET NO. A-895 PART II A PORTION OF DOCKET NO. A-895 AND CONSOLIDATING DOCKETS NOS. A-137 PART III, A-760 AND A-895 PART II

The above-entitled matters in Dockets Nos. A-137 Part III and A-760 were con-

solidated and set for hearing in the Circuit Court Room at Fort Smith, Arkansas, at 10 o'clock in the forenoon of July 30, 1941, by the Order of the Director of June 27, 1941. The above-entitled matter in Docket No. A-895 was set for hearing at the same time and place by Order of the Acting Director dated July 1, 1941.

Dockets Nos. A-137 Part III and A-760 relate to proposed revisions of the effective minimum prices for the coals produced at Mine Index No. 195 of Harper and Thornton Coal Co., a code member in District No. 14. Among other matters Docket No. A-895 relates to further revisions of the effective price classifications and minimum prices and the establishment of additional price classifications and minimum prices for the coals of Mine Index No. 195. Since it appears that Dockets Nos. A-137 Part III and A-760 and Docket No. A-895, as to coals produced at Mine Index No. 195, raise analogous issues;

Now, therefore, it is ordered, That the portion of Docket No. A-895, relating to revision of the effective price classifications and minimum prices and the establishment of additional price classifications and minimum prices for the coals produced at Mine Index No. 195 in District No. 14, is severed from Docket No. A-895 and is designated as Docket No. A-895 Part II.

It is further ordered, That Dockets Nos. A-137 Part III and A-760 be, and they hereby are, consolidated with Docket No. A-895 Part II for the purpose of hearing and for such other purposes as the officer heretofore designated to preside at the hearings in those dockets may deem appropriate.

The matter concerned herewith is in regard to: Dockets Nos. A-137 Part III and A-760, the petitions of District Board No. 14 and Harper and Thornton Coal Co. for revision of the price classifications and minimum prices for the coals in Size Groups 4, 6, 7 and 8 produced at Mine Index No. 195, operated by that Company, a code member in District No. 14, and, in particular, to the Board's request that the price classifications of those coals in Size Group 4 be changed from "I" to "G" and in Size Groups 6, 7 and 8 from "J" to "H", and to that Company's request that those classifications in Size Groups 7 and 8 be changed to "L" and its opposition to the Board's request for changing those classifications in Size Groups 4 and 6;

Docket No. A-895 Part II, the petition of District Board No. 14 for revision of the price classifications and minimum prices for the coals produced at Mine Index No. 195 of Harper and Thornton Coal Co., a code member in District No. 14, as follows: in Size Group 4, from "I" to "G"; in Size Groups 6, 7, 8 and 9, from "J" to "H"; in Size Group 11, from "G" to "F"; and in Size Group 18, from "O" to "N"; and for the establishment of additional price classifications and minimum prices for those coals as follows:

in Size Group 10, "G" and in Size Group 17, "A".

Dated: July 22, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5326; Filed July 24, 1941;
10:08 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	Date application filed
Blue Grass Coal Co., 3301 Carew Tower, Cincinnati, Ohio	Oct. 28, 1940
J. N. Cates, J. N. Cates & Son Coal Co., Burlington, N. C.	June 26, 1941
R. T. Daniel Coal Co., R. T. Daniel, Owner, Protective Life Bldg., Birmingham, Ala.	July 11, 1941
S. C. Ferguson, Prestonsburg, Ky.	June 20, 1941
Fidelity Supply Co., 128 Stanwix St., Pittsburgh, Pa.	July 11, 1941
Industrial Coal Co., 217 Oliver St., N. Tonawanda, N. Y.	July 5, 1941
John E. Jones, 300 Newrose Bldg., Pittston, Pa.	July 1, 1941
Joseph H. Kelly, 601 North St., Endicott, N. Y.	May 29, 1941
Locust Dale Coal Co., Inc., 6-8 N. Oaks St., Mt. Carmel, Pa.	June 21, 1941
A. L. Loy Coal Co., 723 Binghamman St., Reading, Pa.	June 26, 1941
W. M. Merrill, Jr., Pecan Gap, Tex.	July 14, 1941
O. W. M. Miller Coal Co., O. W. M. Miller, Owner, B. M. A. Bldg., Kansas City, Mo.	July 14, 1941
The Muskingum Brokerage Co., 797 Main St., Zanesville, Ohio	July 14, 1941
Park Avenue Coal Co., 389 Park Avenue, Newark, N. J.	July 9, 1941
H. J. Pollock, 2949 Glenmawr Ave., Pittsburgh, Pa.	June 30, 1941
Ray Coal & Coke Co., Inc., 2 Locust St., Montgomery, Ala.	June 26, 1941
Rex Coal Land Co., East Rainelle, W. Va.	Dec. 14, 1940
C. E. Schooley, Schooley Coal Co., Johnstown, Pa.	Sept. 26, 1940
Miss Maud Thompson, Drakesboro, Ky.	April 21, 1941
C. E. VanLehn & Son, Tuscarawas, Ohio	April 21, 1941
Florian N. Goszewski, Walden Coal Sales Co., 1271 Walden Ave., Buffalo, N. Y.	July 9, 1941

Any district board, code member, distributor, the Consumer's Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 11, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: July 22, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5327; Filed, July 24, 1941;
10:09 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

GEORGIA

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Farm Security Advisory Committee for the State of Georgia, the following county is hereby designated as an additional county in which loans, pursuant to said Title may be made hereafter under the provisions of said Order:

Wayne

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-5336; Filed, July 24, 1941;
11:32 a. m.]

Surplus Marketing Administration.

[Docket No. AO-159]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

Notice is hereby given of a hearing to be held in the Court Room, County Courthouse, Cadillac, Michigan, at 9:00 a. m., c. s. t., August 11, 1941; in the City Hall Auditorium, Grand Forks, North Dakota, at 9:30 a. m., c. s. t., August 11, 1941; in the Administration Building Auditorium, University Farm, St. Paul, Minnesota, at 9:30 a. m., c. s. t., August 14, 1941; and in the Municipal Court Room, County Courthouse, Antigo, Wisconsin, at 9:30 a. m., c. s. t., August 14, 1941, relative to a proposed marketing agreement and a proposed order regulating such handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota as is in the current of, or as directly burdens, obstructs, or affects, interstate or foreign commerce.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and (b) as to the specific provisions which a

marketing agreement and order should contain.

The proposed marketing agreement and the proposed order provide, in similar terms, a plan for the regulation of the aforesaid handling of Irish potatoes, and include, among other matters relating to such regulation, provisions for: (1) the establishment of a North Central Potato Committee consisting of 12 producer and 4 handler members; (2) the levying of assessments to cover expenses of the committee incident to the administration of such program; (3) the regulation of shipments by grades, sizes, qualities, or combinations thereof; (4) inspection of shipments by an authorized representative of the Federal-State Inspection Service; and (5) reports by handlers to the North Central Potato Committee.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

JULY 23, 1941.

[F. R. Doc. 41-5305; Filed, July 23, 1941;
1:49 p. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket Nos. 349, 367, 347, 73-401-E-1, 21-401-E-1, 348, 346, 351, 75-401-E-1, 350, 72-401-E-1, 61-401-E-1, 340, 372, 353, 133]

IN THE MATTER OF THE APPLICATIONS OF BARR AIR TRANSPORT, LON BRENNAN AIR SERVICE, JIM DODSON AIR SERVICE, FERGUSON AIRWAYS, INC., HAROLD GILLAM, JACK HERMANN, LAVERY AIRWAYS, LYNN AIR SERVICE, MIROW AIR SERVICE, MUNZ AIR SERVICE, NORTHERN CROSS, INC., POLLACK FLYING SERVICE, REEVE AIRWAYS, SCHUTTE AIR SERVICE, TRANS-ALASKA CORPORATION, AND WIEN ALASKA AIRLINES, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF FURTHER HEARING¹

The above-entitled proceedings, being applications for certificates of public convenience and necessity to engage in air transportation in the Territory of Alaska, are hereby assigned for further public hearing on September 2, 1941, 10 o'clock a. m. (Local Standard Time), at Fairbanks, Alaska, before an Examiner of the Board.

Dated Washington, D. C., July 22, 1941.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5307; Filed, July 24, 1941;
9:43 a. m.]

¹ Issued by the Civil Aeronautics Board.

[Docket No. 578]

IN THE MATTER OF THE APPLICATION OF ROBERT R. HEARD FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being an application for certificate of public convenience and necessity to engage in air transportation in the Territory of Alaska, is hereby assigned for public hearing on September 2, 1941, 10 o'clock a. m. (Local Standard Time) at Fairbanks, Alaska, before an examiner of the Board.

Dated Washington, D. C., July 22, 1941.
By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5308; Filed, July 24, 1941;
9:43 a. m.]

[Docket No. 422]

IN THE MATTER OF THE APPLICATION OF CORDOVA AIR SERVICE, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being an application for certificate of public convenience and necessity to engage in air transportation in the Territory of Alaska, is hereby assigned for public hearing on August 18, 1941, 10 o'clock a. m. (Local Standard Time) at Anchorage, Alaska, before an Examiner of the Board.

Dated Washington, D. C., July 22, 1941.
By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5309; Filed, July 24, 1941;
9:44 a. m.]

[Docket Nos. 71-401-E-1, 339, 366, 343, 70-401-E-1, 60-401-E-1, 326, 344, 352, 338, 341, 342, 20-401-E-1, 345, 63-401-E-1]

IN THE MATTER OF THE APPLICATIONS OF ACKERMAN AIR SERVICE, BRISTOL BAY AIR SERVICE, INC., NAT BROWNE FLYING SERVICE, INC., JACK CARR SERVICE, CHRISTENSEN AIR SERVICE, CORDOVA AIR SERVICE INC., DILLINGHAM AIR SERVICE, LARSON - ALASKAN DISTRIBUTING CO., LYLE AIRWAYS, LEO MOORE FLYING SERVICE, PECK AND RICE AIRWAYS, RAY PETERSEN FLYING SERVICE, STAR AIRLINES, INC., WM. M. WELSH, AND WOODLEY AIRWAYS, FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF FURTHER HEARING

The above-entitled proceedings, being applications for certificates of public convenience and necessity to engage in air transportation in the Territory of

Alaska, are hereby assigned for further public hearing on August 18, 1941, 10 o'clock a. m. (Local Standard Time) at Anchorage, Alaska, before an Examiner of the Board.

Dated Washington, D. C., July 22, 1941.
By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5310; Filed, July 24, 1941;
9:44 a. m.]

[Docket Nos. 355, 357, 356, 76-401-E-1, 354,
361, 359, and 358]

IN THE MATTER OF THE APPLICATIONS OF AIRCRAFT CHARTER SERVICE, INC., ALASKA AIR TRANSPORT, INC., ELLIS AIR TRANSPORT, MARINE AIRWAYS, INC., PETERSBURG AIR SERVICE, RINEHART SEAPLANE SERVICE, WHITE PASS AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED; AND IN THE MATTER OF THE APPLICATION OF MARINE AIRWAYS, INC., ALASKA AIR TRANSPORT, INC., FOR APPROVAL OF A MERGER OF THE TWO COMPANIES UNDER SECTION 408 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF FURTHER HEARING

The above entitled proceedings being applications for certificates of public convenience and necessity to engage in air transportation in the Territory of Alaska, and the application of Marine Airways, Inc., and Alaska Air Transport, Inc., for approval of a merger of these two companies, are hereby assigned for further public hearing on September 18, 1941, 10 o'clock a. m. (Local Standard Time) at Juneau, Alaska, before an Examiner of the Board.

Dated Washington, D. C., July 22, 1941.
By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5311; Filed, July 24, 1941;
9:43 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 120]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 35 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Thomas L. Norton from Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries and do appoint in his stead, as representative for the public on such Committee, Mr. John T. Troxell, of Hanover, New Hampshire.

Signed at Washington, D. C., this 23d day of July 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-5343; Filed, July 24, 1941;
11:58 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. DL-163]

IN THE MATTER OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER FIXING DATE OF HEARING

JULY 22, 1941.

Upon declaration of intention filed July 14, 1941, by Pacific Gas and Electric Company, as amended July 18, 1941, pursuant to section 23 (b) of the Federal Power Act, relating to the construction of a hydroelectric project on the Pit River in the State of California referred to as Pit No. 5:

It appearing that a public hearing on the declaration is desirable in order to assist the Commission in its investigation of the effect of such proposed project upon the interests of interstate or foreign commerce, and to allow declarant and other interested parties an opportunity to make representations regarding the effect of such project;

The Commission orders that: A public hearing on said declaration be held on August 18, 1941, beginning at 9:45 a. m., in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-5314; Filed, July 24, 1941;
9:45 a. m.]

INTERSTATE COMMERCE COMMISSION.

IN THE MATTER OF RESCINDER OF NOTICE OF CANCELLATION OF MOTOR CARRIER POLICIES OF INSURANCE UNDER SECTION 215, INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of May, A. D. 1941.

The matter of rescinder of Notice of Cancellation under the above title being under consideration:

It is ordered, That rescinder of Notice of Cancellation of motor carrier policies of insurance under Section 215, Interstate Commerce Act, shall be in the form attached hereto and made a part hereof,¹ numbered B. M. C. 35-A.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-5328; Filed, July 24, 1941;
11:30 a. m.]

¹ Filed as part of the original document.

IN THE MATTER OF NOTICE REINSTATING MOTOR CARRIER POLICIES OF INSURANCE UNDER SECTION 215, INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of May, A. D. 1941.

The matter of notice reinstating motor carrier policies of insurance under the above title being under consideration:

It is ordered, That notice reinstating motor carrier policies of insurance under section 215, Interstate Commerce Act, shall be in the form attached hereto and made a part hereof,¹ numbered B. M. C. 35-B.

By the Commission, Division 5

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-5329; Filed, July 24, 1941;
11:30 a. m.]

IN THE MATTER OF RESCINDER OF NOTICE OF CANCELLATION OF MOTOR CARRIER SURETY BONDS UNDER SECTION 215 OF THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of May, A. D. 1941.

The matter of rescinder of Notice of Cancellation under the above title being under consideration:

It is ordered, That rescinder of Notice of Cancellation of motor carrier surety bonds under section 215 of the Interstate Commerce Act, shall be in the form attached hereto and made a part hereof,¹ numbered B. M. C. 36-A.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-5330; Filed, July 24, 1941;
11:30 a. m.]

IN THE MATTER OF NOTICE REINSTATING MOTOR CARRIER SURETY BONDS UNDER SECTION 215 OF THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of May, A. D. 1941.

The matter of notice reinstating surety bonds under the above title being under consideration:

It is ordered, That notice reinstating motor carrier surety bonds under section 215 of the Interstate Commerce Act, shall

be in the form attached hereto and made a part hereof,¹ numbered B. M. C. 36-B.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 41-5331; Filed, July 24, 1941;
11:30 a. m.]

IN THE MATTER OF RESCINDER OF NOTICE OF
CANCELLATION OF BROKER'S SURETY
BONDS UNDER SECTION 211 (c) OF THE
INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its Office in Washington, D. C., on the 29th day of May, A. D. 1941.

The matter of rescinder of Notice of Cancellation under the above title being under consideration:

It is ordered, That rescinder of Notice of Cancellation of broker's surety bonds under section 211 (c) of the Interstate Commerce Act, shall be in the form attached hereto and made a part hereof,¹ numbered B. M. C. 36-C.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 41-5332; Filed, July 24, 1941;
11:30 a. m.]

IN THE MATTER OF NOTICE REINSTATING
BROKER'S SURETY BONDS UNDER SECTION
211 (c) OF THE INTERSTATE COMMERCE
ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of May, A. D. 1941.

The matter of notice reinstating surety bonds under the above title being under consideration:

It is ordered, That notice reinstating broker's surety bonds under section 211 (c) of the Interstate Commerce Act, shall be in the form attached hereto and made a part hereof,¹ numbered B. M. C. 36-D.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 41-5333; Filed, July 24, 1941;
11:31 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

[File No. 70-357]

IN THE MATTER OF NEW ENGLAND GAS AND
ELECTRIC ASSOCIATION AND NEW HAMPSHIRE
GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

¹ Filed as part of the original document.

office in the City of Washington, D. C., on the 24th day of July A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than August 8, 1941 at 4:45 o'clock P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Pursuant to authorization by the Public Service Commission of the State of New Hampshire, in which New Hampshire Gas and Electric Company is organized and doing business, said company proposes to issue and sell the following securities:

\$500,000 of additional common stock represented by 7,500 shares without par or nominal value;

\$1,000,000 of \$5.00 preferred stock represented by 10,000 shares having a par value of \$100 per share; and \$1,000,000 principal amount of First Mortgage 3½% Bonds, Series B, due 1971.

The Company also proposes to modify the interest rate on its presently outstanding First Mortgage 4½% Bonds, Series A, due 1963 from 4½% to 3½% per annum.

It is proposed that the \$500,000 of additional common stock and the \$1,000,000 of \$5.00 preferred stock to be issued to New England Gas and Electric Association, parent of the applicant, in payment or refunding of \$1,500,000 principal amount of 6% income notes due 1978 presently outstanding and held by New England Gas and Electric Association. The latter has indicated its willingness to accept the new securities to be issued under this plan, and joins in the declaration or application to request the approval thereof.

Agreements have been reached with John Hancock Mutual Life Insurance Company and The Northwestern Mutual Life Insurance Company whereby each of said insurance companies, who are also holders in equal amounts of presently

outstanding Series A bonds due 1963, agree to modify the interest rate on said presently held bonds from 4½% to 3½% per annum, and further agrees to purchase \$500,000 principal amount of the proposed issue of Series B bonds at a price of 103.79% of the principal amount thereof plus accrued interest to date of delivery.

Fees and expenses in connection with the issue and sale of the common and preferred stocks are estimated at \$2,300; and fees and expenses in connection with the issue and sale of the \$1,000,000 principal amount of new First Mortgage 3½% bonds, and the reduction in interest rate of presently outstanding bonds, are estimated at \$22,605, which includes a finder's fee of \$10,000 to The First Boston Corporation, Boston, Massachusetts.

Net proceeds of \$1,015,295 to be derived from the issue and sale of said \$1,000,000 principal amount of bonds will be utilized by New Hampshire Gas and Electric Company to install additional generating capacity and other plant facilities.

Exemption from competitive bidding with respect to the issue and sale of said securities is requested—as to the common and preferred stocks, by virtue of the exemption provided in paragraph (a) (3) of Rule U-50; and as to the bonds, by virtue of paragraph (a) (5) of said Rule.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5338; Filed, July 24, 1941;
11:36 a. m.]

[File No. 59-4]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER REQUIRING DIVESTITURE OF
SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of July, A. D. 1941.

1. The Commission having on February 28, 1940, issued a Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to Engineers Public Service Company and its Subsidiary Companies, Respondents, stating that it appears that the Engineers Public Service Company holding-company system is not confined in its operations to that of a single integrated public-utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such an integrated public-utility system within the meaning of section 11 (b) (1) of the Act; and

2. The Respondents, in their answer filed to such Notice of and Order for Hearing, having objected that they had not been furnished with a statement of the Commission more particularly specifying underlying conclusions with respect to particular portions of the holding-company system and as to what action the Commission believed would be required by section 11 (b) (1) of the Act; and

3. The Commission in its Opinion issued June 1, 1940, having undertaken to furnish such a statement, and on March 11, 1941, having issued (a) a Statement of Tentative Conclusions as to the application of the provisions of section 11 (b) (1) to the Engineers Public Service Company holding-company system, and (b) an order requiring the Respondents to show cause why the Commission should not forthwith issue an order requiring the Respondent, Engineers Public Service Company, to divest itself of its interest in all subsidiaries except certain subsidiaries named in the order to show cause; and

4. The Commission, at hearings held thereafter upon notice duly given, having heard the Respondents with respect to certain issues and having considered the record, and having this day made and filed its findings and opinion herein, finding (among other things) that the action hereinafter directed to be taken is necessary and appropriate for the purpose of bringing about compliance with section 11 (b) (1) of the Act, without prejudice, however, to the right of this Commission to enter such other and further orders herein from time to time as the Commission may be advised requiring Respondents to take such additional action as may be necessary for compliance with section 11; now therefore it is

Ordered, Pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that Engineers Public Service Company shall sever its relationship with the companies hereinafter designated by disposing, or causing the disposition in any appropriate manner not in contravention of the applicable provisions of said Act or the Rules and Regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued by Puget Sound Power & Light Company and its subsidiaries, and The Key West Electric Company; and it is further

Ordered, That the Respondents, in accordance with subparagraph (c) of section 11 of said Act, shall comply with the preceding paragraph of this order within one year from the date hereof, without prejudice to their right to apply for additional time to comply with such order as provided in such section.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5339; Filed, July 24, 1941;
11:36 a. m.]

[File Nos. 70-254, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER
& LIGHT CORPORATION

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of July, A. D. 1941.

Central States Power & Light Corporation, a registered holding company in the Ogden Corporation holding company system, having filed declarations and amendments thereto under Rule U-12C-1 promulgated under section 12 (c) of the Public Utility Holding Company Act of 1935 concerning the application of approximately \$5,300,000 derived by declarant from the sale of certain of its assets to the acquisition of a portion of its First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, pursuant to tenders at 100 and accrued interest; and

Public hearing having been duly held after appropriate notice, and the Commission having examined the record in these proceedings and having issued its supplemental findings and opinion herein;

It is ordered, That the aforesaid declarations filed pursuant to Rule U-12C-1, which has since been succeeded by Rule U-42, be and the same hereby are permitted to become effective forthwith subject, however, to the following terms and conditions:

1. The terms and conditions set forth in Rule U-24.

2. That the form of letter soliciting tenders be completed and submitted by declarant to the staff of the Commission and that no solicitation be made unless declarant shall have filed a copy of such letter with the Commission within ten (10) days from the date of our order herein and shall not have been notified by the Commission of its disapproval of such letter within two (2) days subsequent to the filing thereof with the Commission.

3. That the letter soliciting tenders be mailed to declarant's bondholders not less than fifteen (15) days prior to the first date upon which tenders may be accepted.

4. That the period within which bonds may be tendered expire not more than thirty (30) days nor less than twenty (20) days from the first date upon which tenders may be accepted, the precise dates to be fixed, within said limits, by the declarant and specified in the solicitation material: *Provided*, That leave is hereby granted the declarant to apply for an extension of said time limit.

5. That no advertisements be published or letters, other than the above mentioned letter, be sent to holders of bonds, unless the declarant shall have filed copies of such advertisements or letters with the Commission, and shall not have been notified by the Commission of its disapproval of such advertise-

ments or letters, within three (3) days subsequent to the filing thereof with the Commission.

6. That no persons be directly or indirectly employed to solicit tenders of bonds from the holders thereof unless the declarant shall file with the Commission a statement showing the names of such persons, the amount of compensation to be paid each of them, the manner in which such compensation is to be determined, and the instructions to be given them, and shall not have been notified by the Commission of its disapproval of any of the foregoing matters, within three (3) days subsequent to the filing of the said statement with the Commission.

7. That within ten (10) days after the consummation of the proposed transaction the declarant file with the Commission, a statement showing the names and addresses of the holders of bonds who tendered their bonds and the principal amount of bonds tendered by each.

8. That no bonds directly or indirectly owned or controlled by any affiliate of the declarant or by any officer or director of the declarant or of any such affiliate shall be purchased.

9. That no fees incurred in connection with the consummation of the proposed transaction be paid until the same have been approved by further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5340; Filed, July 24, 1941;
11:36 a. m.]

SELECTIVE SERVICE SYSTEM.

AUTHORIZING THE INCURRING OF CERTAIN
NECESSARY EXPENSES FOR THE TRANS-
PORTATION OF REGISTRANTS IN ALASKA

Pursuant to the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules, regulations, and orders prescribed by the President thereunder, I hereby direct that either the Governor or the Director of Selective Service for the Territory of Alaska may authorize or arrange for the transportation of registrants for the purpose of reporting for physical examination or for the purpose of reporting for induction into the armed forces of the United States between such points in the Territory of Alaska as shall be considered necessary in the administration of the Selective Service System. Transportation may be by the method considered most expedient, whether by land, water, or air, and the incurring of expenses for such transportation and expenses incident thereto is hereby authorized.

LEWIS B. HERSHEY,
Deputy Director.

JULY 21, 1941.

[F. R. Doc. 41-5304; Filed, July 23, 1941;
12:52 p. m.]